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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,321	11/19/2003	John W. von Holdt JR.	10778.00021	8266

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EXAMINER

BRADEN, SHAWN M

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/717,321	Applicant(s) VON HOLDT, JOHN W.	
	Examiner Shawn M. Braden	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/19/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The “separately molded ring member” of claims 9,13., lacks antecedent basis in the terminology of the specification.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “separate molded ring member” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New

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Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. Claim 6 recites the limitation "the supplemental annular groove inner wall" in line 1 of claim 6. There is insufficient antecedent basis for this limitation in the claim.

4. Claims 9,13 rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Molded ring member is critical or essential to the practice of the invention, but is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 7,8,10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Buc (4,524,882).

With respect to claim 7, Buc shows a molded plastic container having a lateral side wall (3), a bottom wall (4), and a peripheral bottom, outside, downwardly depending rim (54) extension of lateral side wall projection below the bottom wall (4), rim (54) has a

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bottom pattern cross sectional profile, said container (2) further including an open top (7) surrounded by a top rim (8) configured with a top pattern profile.

Buc shows a molded plastic lid support assembly (Fig. 8) on the top rim of the container, said lid support assembly including an uninterrupted, peripheral attachment rib (12) spaced inwardly from the lateral side wall to define a lid attachment member.

Buc shows a molded plastic lid (10) having a shape and pattern to completely cover the open top (7) and attach to the lid support assembly (fig. 8), said lid (10) including a peripheral lateral side with a lateral side circumferential groove (9), said lateral side circumferential groove (9) of said lid (10) engageable with the attachment rib (12) of the lid support assembly (fig. 8).

Buc shows a container bottom rim (54) extension sized to fit over and nest on the top of a container and lid combination stacked thereunder (fig. 3) (col. 4 ln 35).

With respect to claim 8, Buc shows the lid support assembly is integrally molded on the top rim of the container (fig. 6).

With respect to claim 10, Buc shows the container and lid are generally cylindrical (fig.1)

With respect to claim 11, Buc show the bottom rim (54) extension comprises a continuous closed ring element (fig. 1). The bottom rim (54) is considered both a rim and a closed ring element.

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With respect to claim 12, Buc, shows the lid support assembly (fig. 6) comprises annular wall (12) spaced inwardly from the lateral side wall (3) of the container, said annular wall connected to the lateral side wall by a generally radially inwardly extension wall (15) from the lateral side wall (3) of the container.

With respect to claim 13, Buc shows the lid support assembly (fig. 6) comprises a ring member (24) having a circumferential groove (14) fitted over and engaging the lateral side wall of the container

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being obvious over Von Holdt, Sr. (USPN 6,098,833) in view of Von Holdt, Jr. (USPN 6,257,438).

Von Holdt, Sr. discloses a bucket with an open top (fig. 6) a generally inwardly tapered cylindrical side wall (39) and a bottom wall (fig.6), open top including a circumferential rim (112). However Von Holdt, Sr. does not disclose the bottom wall including an outside surface with a first, at least partially circumferential, depending rib and a second at least partially circumferential depending rib from the first rib, said ribs defining a circumferential groove therebetween having a first width.

Von Holdt, Jr. teaches a bottom wall including an outside surface with a first, at least partially circumferential, depending rib and a second at least partially circumferential depending rib from the first rib, said ribs defining a circumferential groove therebetween having a first width (fig 6.) in the analogous art of buckets to facilitate stacking (col. 3 ln 24-34).

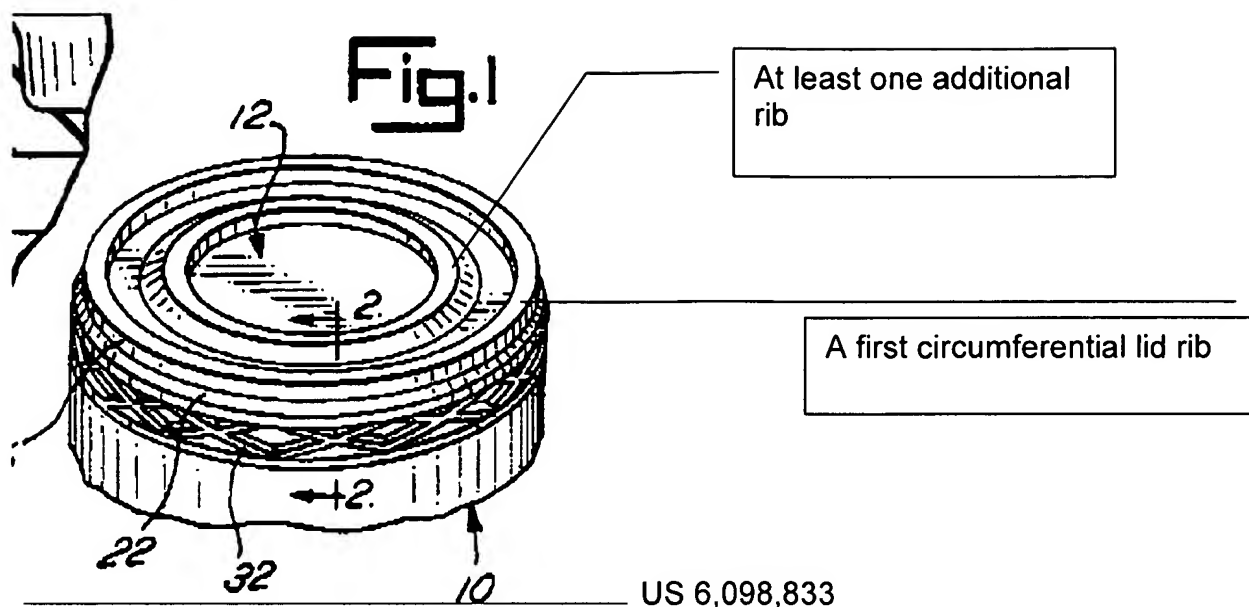
It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the bottom surface including the ribs and the circumferential groove of Von Holdt Jr. to the bucket of Von Holdt Sr. in order to facilitate stacking.

Von Holdt Sr. also shows a separate lid (12), said lid further including a circumferential element (20) in the bottom surface compatible with the rim (14) of the bucket. Von Holdt Sr. also shows a first circumferential lid rib (the top surface of element 20) dimensioned to fit within the circumferential groove of the bucket bottom, as described in examiners combination of Von Holdt Jr.'s bottom combined with Von Holdt Sr.'s container.

With respect to claim 2, both Von Holdt Jr. and Von Holdt Sr. show buckets wherein the bottom wall has a generally uniform thickness.

With respect to claim 3, both Von Holdt Jr. and Von Holdt Sr. show a least one supplemental annular groove having a radius less than the radius of the first rib. Von Hold Jr. shows his as element (10).

With respect to claim 4, Von Holdt Sr. shows at least one additional rib having a radius less than the radius of the first circumferential lid rib (see below).



9. Claims 1-6 rejected under 35 U.S.C. 103(a) as being unpatentable over Von Holdt St (USPN 6,098,833) in view Breimon (US Pub No. 2003/0168465 A1).

Von Holdt, Sr. discloses the invention substantially as claimed. A bucket with an open top (fig. 6) a generally inwardly tapered cylindrical side wall (39) and a bottom wall (fig. 6), open top including a circumferential rim (112). However Von Holdt, Sr. does not disclose said bottom wall including an outside surface with a first, at least partially circumferential, depending rib and a second at least partially circumferential depending rib from the first rib, said ribs defining a circumferential groove therebetween having a first width.

Breimon, teaches a bottom wall including an outside surface with a first, at least partially circumferential, depending rib (72) and a second at least partially circumferential depending rib (74) from the first rib, said ribs defining a circumferential

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groove therebetween having a first width, this groove also fits the rib on the upper lid when stacked, in the analogous art of buckets for the purpose of adding strength and stacking.

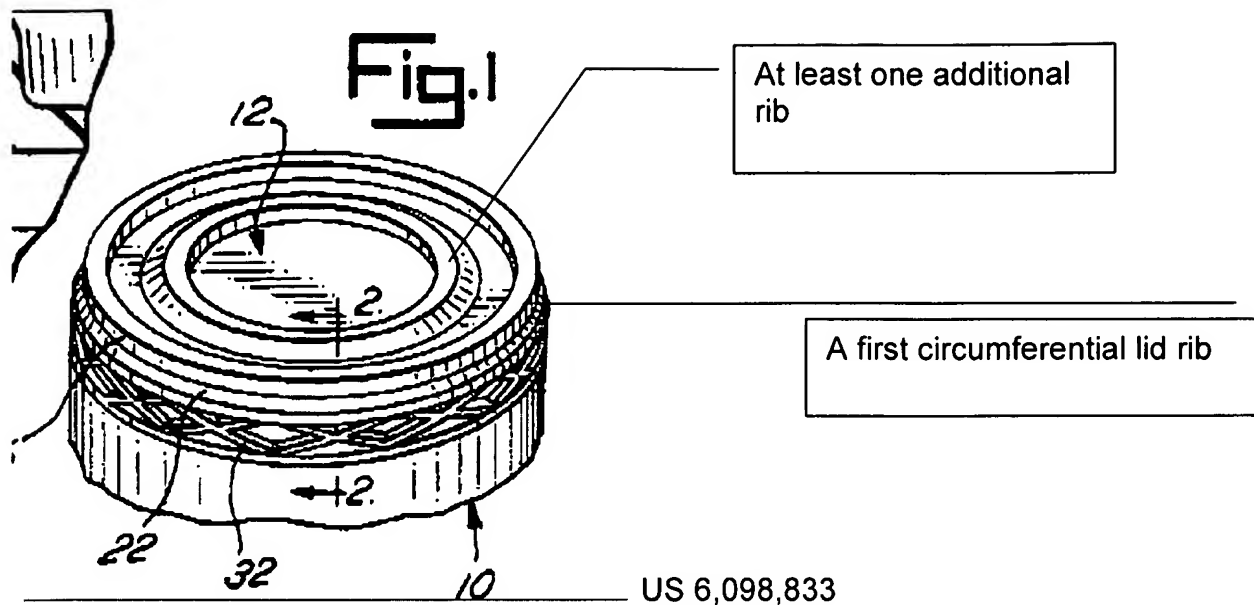
It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the bottom surface including the ribs and the circumferential groove of Breimon to the bucket of Von Holdt Sr. in order to facilitate stacking.

Von Holdt Sr. also shows a separate lid (12), said lid further including a circumferential element (20) in the bottom surface compatible with the rim (14) of the bucket. Von Holdt Sr. also shows a first circumferential lid rib (the top surface of element 20) dimensioned to fit within the circumferential groove of the bucket bottom, as described in examiners combination of Von Holdt Jr.'s bottom combined with Von Holdt Sr.'s container.

With respect to claim 2, both Breimon and Von Holdt Sr. show buckets wherein the bottom wall has a generally uniform thickness.

With respect to claim 3, Von Holdt Sr.'s bottom wall shows a least one supplemental annular groove having a radius less than the radius of the first rib (fig. 6).

With respect to claim 4, Von Holdt Sr. shows at least one additional rib having a radius less than the radius of the first circumferential lid rib (see below).



With respect to claim 5, Von Holdt Sr. in view of Breimon as applied above show the second rib (74) of the bucket bottom wall has an outer radius greater than the outermost radius of the bucket side wall at the juncture thereof with the bottom wall (fig.3) and less than the maximum radius of said lid and bucket (fig.11).

With respect to claim 6, Von Holdt Sr. shows the supplemental annular groove inner wall has a radius less than the radius of the bucket side wall at the juncture thereof with the bottom wall (fig.6).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Braden whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Thurs 8-6:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571 272-4544. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMB


JES F. PASCUA
PRIMARY EXAMINER